



In the United States Patent & Trademark Office

Applicant: Dean Tornabene

Examiner:

Serial No: 10/781836

Art Unit: 3764

Filed: 02/20/04

For: Exercise Apparatus

PETITION TO MAKE SPECIAL

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. 102(d), Applicant hereby petitions the Commissioner to make the subject application special so that it may be taken out of turn for immediate action.

Enclosed are:

1. A declaration of the inventor Dean Tornabene setting forth the facts that he believes the invention sought after to be patented in the Application is being withheld from manufacturing by 3M Manufacturing Company, 5718 Canyon Avenue, Suite No. AB6, Marietta, Georgia.
2. Declaration of the undersigned Agent in compliance with MPEP 708.0211, and
3. A check in payment of the petition required under 37 C.F.R. 1.17(i). This Application has not been examined, however, Applicant's Agent has reviewed the prior art and believes that the Claims will be allowed. This is reflected in Agent's Declaration in compliance with MPEP 708.0211.

Applicant requires a patent in order to begin the manufacturing process. Applicant respectfully requests that this petition be granted.

04/12/2004 LWONDIH1 00000006 10781836

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Respectfully Submitted

Date: 04/04/04
Tel. No. (562) 860-4770

Howard Kenyon
Reg. No. 29,183



In the United States Patent & Trademark Office

Applicant:	Dean Tornabene)	Examiner:
Serial No:	10/781836)	Art Unit: 3764
Filed:	02/20/2004)	Docket No: K-73
For:	Exercise Apparatus)	

Declaration in Support of Petition to
Make Special Under Rule 102(d)

I, Dean Tornabene declare as follows:

I am the Applicant in the above-identified application, which covers an Exercise Apparatus. My manufacturer is 3M Manufacturing Company, 5718 Canyon Ave., Suite AB6, Marietta, GA.

(1) The 3M Manufacturing Company has sufficient capital and facilities which will be made available if a patent is granted.

(2) The 3M Manufacturing Company will immediately commit sufficient capital and facilities for quantity manufacturing of the Exercise Apparatus in the United States upon the allowance of a patent which will protect the investment of capital and facilities, and

(3) The Applicant has made careful and through search of the prior art and believes that the Claims in this application are allowable.

I declare that all statements herein are true and further that these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both under 18 U.S.C. 1001 and that such false statements may jeopardize the validity of this document and of the patent application to which it relates.

Signed at Marina del Rey, California, 4th day of April, 2004.

Dean Tornabene
Dean Tornabene

Attachment: Memo to Dean Tornabene from
3m manufacturing Company
Re: Ab Swing



3M MANUFACTURING

To: DEAN G. TORNABENE c/o DESIGN TECHNOLOGIES

From: BRETT RESNICHEK c/o 3 M MANUFACTURING

Date: 03/25/04

Re: AB Swing Manufacturing

Gentlemen,

I received the copies of the CAD drawings you submitted to enable the manufacture of your AB Swing Exerciser Device. Although the drawings are adequate for tooling and production purposes, 3M cannot commence the manufacturing process before the issue of a US patent on the item. Immediately upon the issue of the patent, 3M will commit sufficient capital and facilities for quantity manufacture of the item in the US. Understand that the patent will help protect 3M's substantial investment of capital and facilities for the product manufacture. Please keep me apprised of the progress that's being made regarding the issue of the patent.

Best Regards,

Brett Resnichek
Vice President Operations

5718 CANYON AVE., ST. #AB6, MARIETTA, GEORGIA 30067 USA

CONFIDENTIAL



In the United States Patent & Trademark Office

Applicant:	Dean Tornabene)	Examiner:
)	
Serial No:	10/781836)	Art Unit: 3764
)	
Filed:	02/20/2004)	Docket No: K-73
)	
For:	Exercise Apparatus)	

Declaration in Support of Petition to
Make Special Under Rule 102(d)

Declaration of Howard A. Kenyon

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Dear Sir:

1. I am the Agent of Record in the above-identified application and have read the accompanying Declaration of Applicant Dean Tornabene. I make this Declaration in support of Applicant's Petition to Make Special in the above identified Application.
2. The subject matter of the above identified Application relates to an Exercise Apparatus utilizing a seated position on a swing for a person exercising the serratus muscles, the intercostals muscles, and the back and leg muscles.
3. To determine the Patentability of the Claims as submitted in the Application, a through search was conducted in the United States Patent and Trademark Office in Class 272, Subclass 135, 136, 138, 134 and 142 and Class 482, Subclass 57, 72, 95, 96, 110, 113, 130, 133, 135, 136, and 137.

I have reviewed each of the prior art patents with respect to the present invention and I believe all Claims in the Application are allowable.

I declare that all statements made herein are true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such false statements may jeopardize this document and of the Patent Application to which it relates.

Signed at Cerritos, California

Date: 4/4/2004
Tel. No. (562) 860-4770


Howard Kenyon
Reg. No. 29,183